IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2837 OF 1999

Shri Ranchod Bansilal Gade)
Adult, Occ.: Service,)
residing near Kranti Talkies,)
At & Post Murbad, Taluka Murbad)
Dist.Thane)..Petitioner

Versus

1. The Thane Zilla Parishad Thane)
having its office at Netaji)
Subhash Road, Thane-400 601)

2. The Chief Executive Officer)
Thane Zilla Parishad, having)
his office at Netaji Subhash)
Road, Thane-400 601

3. The Commissioner)
Konkan Division, having his)
office at Konkan Bhavan)
New Bombay)

4. The State of Maharashtra)..Respondents

Mr.R.S.Datar for the petitioner.

Mr.C.R.Sonawane AGP for respondent nos. 3 & 5.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 5.4.2007.

Oral Judgment : (Per : R.S.Mohite,J)

1. This is a Writ petition filed by the petitioner seeking salary and other benefits payable to the Overseer according to pay scale of 80-5-100-8-140 EB 10-200 EB-10-270 to the petitioner with effect from

27.5.1959 to 26.5.1964. Further relief sought is for promotion as a Sr.Extension Officer (Works) with effect from 26.5.1964. The last prayer is for appointment of petitioner for the post of Sectional Engineer II with effect from 1st April 1981. The petitioner retired as a Senior Extension officer grade-II on 30.11.1997. This petition is filed after his retirement on 12.12.1998. The first two prayers which are pertaining to the benefits between the year 1959 to 1964 are hopelessly barred by laches. The Advocate for the petitioner has not seriously pressed these prayers. The 3rd prayer pertaining to the promotion is based upon a Government Resolution dated 12.9.1986 read with a further Government Resolution dated 22-26/7/1987. As far as the Government Resolution dated 12.9.1986 is concerned, the same pertains to the officers as mentioned in this Government Resolution. Admittedly, the petitioner is not one of the officers as mentioned in the said Government Resolution. The 2nd Government Resolution pertains to general categories of Junior Engineers. Admittedly, the petitioner was an un-qualified Engineer. The said Government Resolution provided that other Junior Engineers should be promoted as Section Enginner class-II w.e.f. 1.4.1981. It is evident from the record that the post of Junior Engineer was created for the first time with effect from 21.11.1979. This is referred to in the order

of the Commissioner which is annexed.

2. In the circumstances on 22-26/7/1987 the petitioner was not un-qualified Junior Engineer with 10 years of service as contemplated in the said Government Resolution. The said Government Resolution is not applicable to him. Petition is therefore, dismissed.

(R.S.Mohite,J) **(S.B.Mhase,J)**